

THE CONFERENCE BILL FOR THE ADMISSION OF
KANSAS.

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SPEECH

OF

HON. JOHN A. BINGHAM, OF OHIO.

Delivered in the U. S. House of Representatives, April 28, 1858.

The House having under consideration the report of the Conference Committee on Senate bill No. 16, for the admission of the State of Kansas into the Union—

Mr. BINGHAM said:

Mr. SPEAKER: I congratulate the country that the distinguished gentleman from Georgia [Mr. STEPHENS] has seen fit on this day to acknowledge what he has heretofore, during the last and present Congress, steadily and persistently denied, that the position of those with whom I have the honor to act on this floor and elsewhere, in regard to the power of Congress over the several Territories during the whole time in which they continue to be Territories, and up to the very moment of their transition from a Territory to a State, is the true position under the Constitution of the United States, and one to be recognised and legitimately enforced by Congressional legislation.

The gentleman from Georgia predicated his reply to the distinguished and learned gentleman from Maryland, [Mr. DAVIS,] among other things, upon the ground that the Congress of the United States had heretofore dictated to the people of Louisiana *conditions precedent* to their admission into the Union as a State. I desire, inasmuch as the gentleman from Georgia made special reference to the Louisiana enabling act, to call the attention of the House and of the country to its provisions, for the purpose of showing that it goes as far as any man on this side of the House has ever ventured to go in respect to the authority of Congress over the Territories, and its power to impose restrictions upon the admission of new States into the Union.

Admit that the act of Congress, passed in 1811, to authorize the people of Louisiana to form a State Constitution and Government, and to provide for their admission into the Union, was a just and constitutional enactment, and

you admit all that we ask, all that any man can ask, upon which to predicate an argument against the proposition submitted to this House by the committee of conference, appointed through it, and in favor of the power of Congress not only to reject that bill, but to reject the Lecompton Constitution under any and all conceivable circumstances.

I do not know, nor do I care, whether the honorable gentleman from Georgia assumed and asserted the validity of the Louisiana act merely for the occasion, or not. I thank him for his concession that that act was a precedent which he might with propriety quote here against the argument of the gentleman from Maryland. Sir, if the gentleman's admission and assumption be right, if that statute be valid, it totally sweeps away the dogma of the sovereignty of new States in the formation of Constitutions preparatory to admission, against the expressed will of the whole people of the United States, as set forth by their Representatives in Congress assembled. The admission of the authority of Congress to impose upon new States the restrictions of that statute concedes the right of Congress to reject any new State until it shall have adopted a Constitution, not only republican, but also consistent with the Constitution of the United States, and also in conformity with such conditions precedent as Congress may deem just and proper to be imposed. I quote from that statute as follows:

"SEC. 2. *And be it further enacted*, That all ' free white male citizens of the United States, ' who shall have arrived at the age of twenty- ' one years, and resided within the said Territo- ' ry at least one year previous to the day of ' election, and shall have paid a territorial, ' county, district, or parish tax; and all persons ' having in other respects the legal qualifica- ' tions to vote for representatives in the Gen- ' eral Assembly of the said Territory, be, and

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‘ they are hereby, authorized to choose repre-
 ‘ sentatives to form a Convention, who shall be
 ‘ apportioned among the several counties, dis-
 ‘ tricts, and parishes, within the said Territory
 ‘ of Orleans, in such manner as the Legislature
 ‘ of the said Territory shall by law direct. The
 ‘ number of representatives shall not exceed
 ‘ sixty; and the elections for the representa-
 ‘ tives aforesaid shall take place on the third
 ‘ Monday in September next, and shall be con-
 ‘ ducted in the same manner as is now provided
 ‘ by the laws of the said Territory for electing
 ‘ members for the House of Representatives.

‘ “SEC. 3. *And be it further enacted,* That
 ‘ the members of the Convention, when duly
 ‘ elected, be, and they are hereby, authorized
 ‘ to meet at the city of New Orleans, on the
 ‘ first Monday of November next, which Con-
 ‘ vention, when met, shall first determine, by a
 ‘ majority of the whole number elected, whether
 ‘ it be expedient or not, at that time, to form a
 ‘ Constitution and State Government for the
 ‘ people within the said Territory; and if it be
 ‘ determined to be expedient, then the Conven-
 ‘ tion shall in like manner declare, in behalf of
 ‘ the people of the said Territory, that it adopts
 ‘ the Constitution of the United States; where-
 ‘ upon the said Convention shall be, and hereby
 ‘ is, authorized to form a Constitution and State
 ‘ Government for the people of the said Terri-
 ‘ tory, provided the Constitution to be formed,
 ‘ in virtue of the authority herein given, shall
 ‘ be republican, and consistent with the Consti-
 ‘ tution of the United States; that it shall con-
 ‘ tain the fundamental principles of civil and re-
 ‘ ligious liberty; that it shall secure to the citi-
 ‘ zen the trial by jury in all criminal cases, and
 ‘ the privileges of the writ of *habeas corpus*, con-
 ‘ formably to the provisions of the Constitution
 ‘ of the United States; and that after the ad-
 ‘ mission of the said Territory of Orleans as a
 ‘ State into the Union, the laws which such
 ‘ State may pass shall be promulgated, and its
 ‘ records of every description shall be preserved,
 ‘ and its judicial and legislative written pro-
 ‘ ceedings conducted, in the language in which
 ‘ the laws and the judicial and legislative writ-
 ‘ ten proceedings of the United States are now
 ‘ published and conducted: *And provided, also,*
 ‘ That the said Convention shall provide, by an
 ‘ ordinance, irrevocable without the consent of
 ‘ the United States, that the people inhabiting
 ‘ the said Territory do agree and declare, that
 ‘ they forever disclaim all right or title to the
 ‘ waste or unappropriated lands lying within the
 ‘ said Territory; and that the same shall be
 ‘ and remain at the sole and entire disposition
 ‘ of the United States; and, moreover, that each
 ‘ and every tract of land sold by Congress shall
 ‘ be and remain exempt from any tax, laid by
 ‘ the order or under the authority of the State,
 ‘ whether for State, county, township, parish, or
 ‘ any other purpose whatever, for the term of
 ‘ five years from and after the respective days of
 ‘ the sales thereof; and that the lands belonging

‘ to citizens of the United States, residing with-
 ‘ out the said State, shall never be taxed higher
 ‘ than the lands belonging to persons residing
 ‘ therein; and that no taxes shall be imposed
 ‘ on lands the property of the United States;
 ‘ and that the river Mississippi, and the navi-
 ‘ gable rivers and waters leading into the same
 ‘ or into the Gulf of Mexico, shall be common
 ‘ highways, and forever free, as well to the in-
 ‘ habitants of the said State as to other citizens
 ‘ of the United States, without any tax, duty,
 ‘ impost, or toll, thereof imposed by the said
 ‘ State.”

I am not here to find fault with the argu-
 ments of the learned gentleman from Maryland,
 [Mr. DAVIS.] I am not here to follow the gen-
 tleman from Georgia, [Mr. STEPHENS,] with the
 new lights he has discovered in his way to this
 political Damascus. The latter gentleman has,
 if you please, become an ally of the Republi-
 cans, of those he is wont to call Black Republi-
 cans. He is working (not voting) with us to-
 day. He is agreeing with us that Congress is
 restricted in nothing but its own conviction and
 its own judgment, in regard to the limitations
 which it may rightfully impose, under the Con-
 stitution, upon new States, as conditions pre-
 cedent to their admission into the Union.

To make good my assertion, I need only re-
 fer specifically to the limitations imposed by
 the Louisiana act of 1811, providing for the ad-
 mission of the State of Louisiana, which I have
 just read, and which the gentleman from Geor-
 gia approves, and upon which he takes his
 stand.

That statute, I repeat, goes as far as I have
 ever ventured to go on this question, and as far
 as any gentleman upon this side has ever ven-
 tured to go. I beg the attention of the House
 to the conditions precedent and restrictions
 which that act imposes upon the sovereignty of
 Louisiana. First, there is the condition prece-
 dent that before the people of Louisiana, after
 the election of their delegates to a Convention,
 should take another step towards the organiza-
 tion of a State Government, their delegates, in
 Convention assembled, should, in their behalf,
 declare that they adopt the Constitution of the
 United States, together, of course, with all its
 limitations and restrictions upon State sover-
 eignty. Having first performed this condition
 precedent, and not before, they might proceed
 to form a State Constitution; provided, says the
 statute—

“ That said Constitution so to be formed shall
 ‘ be *republican*; shall be consistent with the
 ‘ Constitution of the United States; shall pro-
 ‘ claim the fundamental principles of civil and
 ‘ religious liberty; shall secure to every citizen
 ‘ charged with a criminal offence a trial by
 ‘ jury; shall secure, also, the writ of *habeas*
 ‘ *corpus*, as provided in the Constitution of the
 ‘ United States; shall provide that the legisla-
 ‘ tion and judicial action of said State be con-
 ‘ ducted in the English language; shall sur-

'render the right of the State over certain
'waste lands; also, its right to tax United
'States property.'

Sir, this statute does not stop where certain gentlemen upon the other side of the House have been telling us that our power stops, to wit: with the mere declaration that the Constitution of the proposed new State should be *republican*. That statute, as I have shown, goes much further, and requires that the new Constitution shall conform to all the conditions and restrictions which I have enumerated. This statute further provides, in the fourth section, that the Constitution so framed shall be submitted to the Congress of the United States for approval or rejection. For what purpose? To give to the Congress of the United States the opportunity of judging whether these conditions precedent had been complied with; whether the people had, by their legally-chosen delegates, adopted the Constitution of the United States; whether their new Constitution, contrary to and in contravention of their local laws—the civil law under which they then lived—secured the right of trial by jury in all criminal cases; whether the great writ of *habeas corpus* was secured to the citizens within the limits of the State; and whether, in addition, their Constitution declared, as required, the great and fundamental principles of civil and religious liberty. Unless these provisions appeared, Congress, by this fourth section, reserved the power to say that Louisiana should not be permitted to organize herself into a State Government for admission into this Union—should not, in fact, become a State, but should remain a Territory.

I ask the gentleman from Georgia, in order that I may make no mistake in this matter, whether he concedes that that enactment was constitutional; that it was the right of Congress, in 1811, under the Federal Constitution, to dictate to the people of Louisiana the condition precedent that their Constitution should be consistent with the Constitution of the United States? whether he concedes that it was competent for Congress, under that act of 1811, to dictate to that people the further condition precedent that they should secure the right of trial by jury, in all criminal cases, to citizens within the State? whether he concedes that it was competent for Congress, by that act, to dictate to the people of Louisiana, as a further condition precedent to the establishment of a State Government, and their admission into the Union, that they should secure the benefits of the right of *habeas corpus* in all cases, pursuant to the Constitution of the United States? and, finally, I ask him whether he concedes that it was competent for the Government of the United States, speaking through Congress by that act, to declare that that people should abolish their civil law, and take ours? If he concedes all this, as he did by citing that act, he concedes all that I claim, and all that my

friends have ever claimed, in this great controversy. Who, sir, is to judge whether the Constitution, framed by a people within a Territory, "is consistent with the Constitution of the United States?" By that enactment, upon which the gentleman planted himself, it is manifestly declared that the Congress of the United States shall judge of that, and no one else. That is Republicanism—*Black Republicanism*.

Mr. CURTIS. I beg the gentleman's pardon; it is not Black Republicanism, as some understand it.

Mr. BINGHAM. It is my Black Republicanism. That legislation of 1811 is sustained by precedent and commanding authority. It was sanctioned and approved by a man who has been called the Father of the Constitution by way of pre-eminence—Mr. Madison. In addition to his approval of the act, I have before me what he has written on this provision of the Constitution, that Congress "*may* admit new States into the Union." He says:

"In the Articles of Confederation, no provision is found on this important subject. Canada was to be admitted of right on her joining in the measures of the United States, and the other colonies, by which were evidently meant, the other British colonies, at the discretion of nine States. The eventual establishment of new States seems to have been overlooked by the compilers of that instrument. We have seen the inconvenience of this omission, and the assumption of power into which Congress has been led by it. With great propriety, therefore, has the new system supplied the defect. The general precaution that no new States shall be formed without the concurrence of the Federal authority * * * is consonant to the principles which ought to govern such transactions."

There is where I stand; there is where those with whom I act, in reference to this question, stand; that there can be no such thing as an existing State, organized within the national territories, outside of the Union, and without the consent of the Federal Government; that there can be, under our Constitution, no new State rightfully organized within a United States Territory, except it be organized in consonance with the Constitution of the United States, and with the *consent* of the Government of the United States given to such State organization, either previously or subsequently to its formation, and before the admission of such State into the Union. That is the position of Madison, that is the Republican position, and that seems to be the position of the gentleman from Georgia. Sir, other precedents justify me in saying that conditions and restrictions upon the organization of State Governments within the Territories may be imposed by the Congress of the United States. I speak now of new States organized within the Territories of the Union more particularly. I do not wish

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to speak now of the organization of new States within the territory of a single State of the Union. That belongs to another provision of the Constitution, and we have nothing to do with it in this issue. We have other precedents, sir, for the position we assume of this power of Congress to impose limitations and restrictions upon new States—precedents furnished by the action of the fathers of the Constitution.

Sir, there was a condition precedent in the act providing for the admission of the State which I have the honor in part to represent, and which authorized the people of Ohio to frame a State Constitution and Government, preparatory to their admission into the Union. That condition precedent was this :

“That the Constitution so to be formed by the people of the Territory of Ohio shall not be repugnant to the sixth article of the ordinance 1787.”

What was that article? It was, sir :

“That Slavery or involuntary servitude, except as a punishment for crime, should be forever prohibited.”

Upon that condition the State of Ohio was permitted to organize a Constitution, and to come into the Union. The men who framed that statute, and who voted for it in this and in the other Hall, did not get this new idea into their heads, that the people of a Territory might frame a Constitution and organize a State Government, and demand admission into the Union upon the simple condition that their Constitution should be republican. What is a republican government? A republican government is simply a government where the sovereign authority is exercised through delegates or representatives chosen by the people. The Congress of 1802, which provided for the admission of the State of Ohio, thought that there was something more than a republican Constitution to be framed; and hence they put in the other condition precedent, that the Constitution of Ohio should not be repugnant to the sixth article of the ordinance of 1787, which forever prohibited Slavery. Ohio came into the Union under that condition precedent; and for six years after her admission, and by force of this very restriction, she was denied the privilege of engaging in the foreign slave trade, which was being carried on by the original States under the express reservation of the Constitution of the United States, which authorized that trade until the year 1808 by any of the original thirteen States.

That same condition precedent was applied to the State of Illinois, and upon a strict compliance with that condition was she permitted to come into the Union. The same condition precedent was applied to the State Indiana; and without that condition complied with, she would not have been permitted to come into the Union. Her people petitioned Congress to repeal that restriction, and Congress reported,

through Randolph, of Roanoke, against the repeal, and refused to do it.

Now, sir, on these conditions precedent I might rest this argument; but there is yet another of great significance—the celebrated joint resolution which authorized the admission of Texas into the Union. The whole territory embraced within the limits of that State—notwithstanding the asserted sovereignty of the State—was, by a condition precedent set forth in the act of admission, subjected to certain conditions and restrictions imposed upon no other State of the Union. Upon this point I challenge contradiction.

What is the general provision of the Constitution? Simply that new States may be admitted by Congress into the Union; also, that further provision, “that no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent [in the latter case] of the Legislatures of the States concerned, as well as of Congress.” And what was the condition precedent annexed to the admission of the State of Texas? I will read the act, that there may be no misunderstanding of it. It is as follows :

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress doth consent that the territory properly included within and rightfully belonging to the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic, by deputies in Convention assembled, with the consent of the existing Government, in order that the same may be admitted as one of the States of this Union.

“And be it further resolved, That the foregoing consent of Congress is given upon the following conditions, and with the following guarantees, to wit: First. Said State to be formed, subject to the adjustment, by this Government, of all questions of boundary that may arise with other Governments; and the Constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress, for its final action, on or before the first day of January, 1846. Second. Said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defence belonging to said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind, which may belong to or be due and owing said Republic; and shall also retain all the vacant and unappropriated lands lying within

' its limits, to be applied to the payment of the
' debts and liabilities of the said Republic of
' Texas, and the residue of said lands, after
' discharging said debts and liabilities, to be
' disposed of as said State may direct; but in
' no event are said debts and liabilities to be-
' come a charge upon the Government of the
' United States. *Third.* New States, of conve-
' nient size, not exceeding four in number, in
' addition to said State of Texas, and having
' sufficient population, may hereafter, by the
' consent of said State, be formed out of the
' territory thereof, which shall be entitled to
' admission under the provisions of the Fed-
' eral Constitution. And such States as may be
' formed out of that portion of said territory
' lying south of 36° 30' north latitude, common-
' ly known as the Missouri Compromise line,
' shall be admitted into the Union with or with-
' out Slavery, as the people of each State ask-
' ing admission may desire. And in such
' State or States as shall be formed out of said
' territory north of said Missouri Compromise
' line, Slavery or involuntary servitude (except
' for crime) shall be prohibited."

There is a restriction upon State sovereignty—Texas as a State, as well as the new States hereafter to be formed within the limits of Texas, are bound and fettered by that restriction—by its terms, no new State can hereafter be formed within the territory of Texas, and admitted into the Union, unless such State so to be formed, north of 36° 30' north latitude, shall forever exclude Slavery.

Sir, with these precedents, and the great and commanding authorities of Jefferson and Madison, who signed the statutes I have cited, it seems to me it is not necessary to multiply arguments upon the subject of the power of Congress to impose these restrictions, and thus limit State sovereignty.

Mr. GIDDINGS. I wish to make one suggestion here; and that is, that the gentleman from Georgia [Mr. STEPHENS] voted for those resolutions for the admission of Texas.

Mr. BINGHAM. That is consistent with his argument here to-day, in claiming that the Congress of the United States may impose conditions precedent upon the admission of new States within the limits of the Constitution. That vote of his asserted the right of Congress to exclude Slavery within new States. That is where I want to place him; that is where he belongs, and where I belong. I do not recognise the right of five hundred men, or five hundred thousand men, to establish any State Constitution, or Government, anywhere within the territories of the United States, without the consent of the people of the United States, expressed either previously or subsequently, through their Representatives in Congress assembled.

This brings me, therefore, to the point now before us. I do not find fault with this bill because it asserts the power of Congress to annex

conditions precedent upon which alone the State of Kansas is to come into the Union. I find fault with this bill because, in my judgment, it is a great crime, not only against the people of Kansas, but against the Constitution of our common country, and against the sacred rights of human nature.

Gloze that bill over with what words you may, it is a *written crime*; enact it into a law, and it will be a legislative atrocity engrossed upon parchment. Dignify this act with what title you please, history, stern, truthful, impartial history, will entitle it "An act to take away the liberties of American citizens." That this bill is a crime, I will try to show. In the first place, this bill does not submit, as the gentleman from Georgia [Mr. STEPHENS] very frankly acknowledges, to the people of Kansas the question, whether they will *approve* or *reject* the Lecompton Constitution.

Instead of that, sir, it submits to them a *bribe* in the way of lands and money, and says to them, "if you will vote for this proposition, you may come into the Union under the Constitution framed at Lecompton on the 7th day of November, 1857; but if you reject this bribe, the penalty which will follow shall be that you shall not come into the Union as a State until you shall have a population equal to the ratio of representation at the time of your subsequent application." I say such a thing is without precedent in the legislation of the country; is unauthorized by and in direct contravention of the Constitution of the United States. There is nothing in the Constitution of the United States which gives colorable authority for such legislation. There is nothing in the past legislation of this country that gives colorable authority for it. It is a simple act of despotism, attempted to be enacted here by the Congress of the United States, under cover of that Constitution which bears the peerless name of Washington. It were better, sir, that that sacred instrument should perish as though smote by the lightning of heaven, than that any such act as that now proposed should be placed upon our statute-book. What is it? Why, that the Congress of the United States shall dictate to freemen that they shall accept under pains and penalties a bribe, and thereby become subject to a Constitution which they never made, which they abhor, and which they have condemned! I say, and say it without the fear of contradiction, that the genius of our Constitution is this: that new State Constitutions must emanate from the people within the limits of the proposed State, and *from no other source*. In framing a State Constitution, they are subject to the limitations of the Federal Constitution, and the limitations or restrictions imposed by acts of Congress. They may do anything in framing their Constitution that is not inconsistent with the provisions of that instrument, or of such restrictive enactments. The moment they violate these provisions, their

Constitution ought to be rejected by Congress. That is our position.

But this bill assumes the very contrary, and provides that Congress shall adopt a Constitution which was framed by conspirators at Leecompton. The people of Kansas never framed it, by delegates or otherwise. On the contrary, on the 4th day of last January, ten thousand of the lawful voters of that Territory, a large majority of all its qualified electors, condemned this instrument at the ballot-box. They never framed that instrument. It was framed, I admit, by delegates at Leecompton; but, as I had occasion to say on a former occasion, they were delegates whom the people had never chosen, nor authorized to be chosen, and they only sat in safety at Leecompton under cover of Federal bayonets. That fact is notorious; and the President of the United States, who is to-day, by the use of his patronage, engineering this infernal proposition through the Congress of the United States, came before this body, and, by his message of the 2d day of February last, concedes to us and to the world, that the people of Kansas never framed this Constitution. What does he say, sir? Why, he says in that message, amongst other things, that ever since the day of his inauguration—namely, the 4th of March, 1857—the people of Kansas have been in open rebellion against the Government established there by Congress. He says, further, that they wished during all that time to establish a revolutionary Government, under the so-called Topeka Constitution. He says, further, and therein lies the confession of the truth of this matter, that they were arrayed in such numbers against the existing authorities in that Territory, that they would have overturned the Territorial Government—out of which sprung this Leecompton Constitution—but for the fact, to use his own words, *that that Government was protected from their assaults by the troops of the United States.*

Now, I submit to you, sir, whether that is not a fair, unequivocal, open confession of the fact that the great majority of the people of Kansas *never* assented, from first to last, to any portion of that machinery which has resulted in the production of this Leecompton Constitution? Why, then, attempt to force it upon them with this *penalty* threatened on the one hand, and this *bribe* tendered on the other? Do you not impose an unjust and unfair condition by this bill, when you therein declare that, if the people accept *this bribe*, they shall come into the Union under the Leecompton Constitution, although they have only fifty thousand population; but if they *reject* the *bribe*, they should not come in under a Constitution of their choice till they shall have a population of ninety-three thousand four hundred, the present ratio of representation, or a still greater number, if before that time the ratio be increased?

But, sir, there is another objection to this

measure. Suppose that the people of Kansas were permitted to vote directly upon this Constitution—I say that the Congress of the United States has duties to perform which it is not at liberty to waive; and one of these duties is to see to it that no Constitution shall go into operation with the consent of Congress, which denies the right of a majority of the *qualified voters* to amend, alter, or change it, at their pleasure. Such a Constitution is not *republican*.

Now, sir, I assert that this Leecompton Constitution, by express provisions, excludes the majority from this right of amendment. What are its provisions in this respect? First, that in any election to be held in said State, the qualifications of a voter shall be, that he be a *male citizen of the United States*, above the age of twenty-one years. (Article 8, section 1.) And section fourteen of the schedule provides that the Constitution shall never be amended or altered, "*unless a majority of all the citizens of the State shall first have voted for a Convention.*" Now, every man knows that, under our free institutions, every person born of free parents within the jurisdiction of the United States, and who are residents thereof, is a citizen of the United States, and therefore of the State of his residence, whether such persons be male or female. The records of the courts, in a thousand instances, bear witness to the fact that women and children, as well as men of *full age*, are citizens of the United States, and of the several States. This Leecompton Constitution limits the right of suffrage to *male citizens of the United States* over twenty-one years of age, and at the same time said instrument provides that it shall *never* be amended or altered without the consent and approval of *a majority of all the citizens by their votes* at the polls. It simply requires an *impossibility*, when it says that a majority of the citizens, men, women, and children, of the Territory, shall assent, *by ballot*, to the Convention for amendment, when it declares that at any election only male citizens of the United States over twenty-one years of age shall vote. That is the language and legal effect of this instrument. No man will undertake to gainsay that the language is there as I have quoted it. The words are plain; and when the words are plain, there is no room for construction, and no construction can be tolerated.

But, Mr. Speaker, I must hasten to the conclusion of what I have to say. There is another provision in this Constitution to which I desire to call attention; and that is, the provision that it shall never be so amended as to affect the ownership of property in slaves. What becomes of gentlemen's notions of State sovereignty, if the Congress of the United States can give force and effect to such a law as this? Does not every man here know that even if my construction of the Constitution were wrong, and a majority of the qualified voters of Kansas were to attempt

to amend their Constitution so as to abolish the ownership of property in slaves, after this atrocious thing had become the fundamental law of the State by the assent of Congress, such amendment would be held by that citadel of Slavery, which is located in the base of this Capitol, to be in violation of vested rights, and therefore void? The whole power of the General Government would be arrayed to sustain that vested right, if you please, against the expressed will of a majority of the people of Kansas.

Sir, this is the first instance in which the Congress of the United States has attempted, by formal enactment, to give *perpetuity* to this institution of Slavery within the limits and jurisdiction of a sovereign State. As a State-Rights man, standing here, pledged as I am to maintain the rights of the people and the rights of the States, I protest against this dangerous assumption of power, and claim that it is the right of the sovereign people within the limits of a State to abolish the institution of Slavery at their pleasure. Does any Representative from the South assert this power to be in Congress?

I do not object to restraints upon States in favor of liberty, and to the end that the Constitution of our common country may be upheld in full force, and that the great and sacred rights of human nature may not be infringed; but I protest against this Lecompton conspiracy, which denies the right of self-government, and ignores the will of the majority, if expressed, or attempted to be expressed, against *despotism*. Let gentlemen beware how they attempt, even under the power and shelter of a great central Government, more than imperial in its resources, to crush out the heart and conscience of the people. GOD IS IN HISTORY. Let gentlemen give heed to its lessons of the terrible retribution which sometimes overtakes those who seek to establish an odious and hated despotism over the minds and conscience, the brain and heart of freemen.

Sir, I claim for myself the same right as did the Congress of 1811, to inquire "whether this *Lecompton Constitution is consistent with the provisions of the Federal Constitution?*" And, sir, I have come to the conclusion that it is not only *inconsistent* with the Constitution of the United States, but that it is in direct conflict with the rights of every man, woman, and child, within the Territory of Kansas.

Mr. MAYNARD. Will the gentleman allow me to interrupt him?

Mr. BINGHAM. No, sir. If you please, I prefer to conclude what I have to say without interruption. This instrument declares that the right of property in slaves and their increase is not within the control of *the majority of the people* of the State; that this right is before and higher than any constitutional sanction. This instrument asserts another provision, the brutal despotism of which can hardly be equalled, except that recently exercised by Nicholas, whose hands were red with the blood of murdered Po-

land and the assassinated liberty of Hungary. It is the provision which dooms freemen, guilty of no crime, to *perpetual exile*. Such are some of the provisions of this infernal instrument framed at Lecompton, for which we are now called upon to vote.

What, sir, are the arguments addressed to us to induce us to give our assent to this instrument? The President of the United States stoops from the position of his great office, hitherto made illustrious by Washington, Adams, Jefferson, and Madison—he comes here into the Hall of this House of Representatives, and tells us that this Lecompton Constitution, with all its atrocious provisions, is eminently *reasonable* and proper, because Kansas, says he, "is at this moment as much a slave State as Georgia or South Carolina." And he does not stop with this. The President has officially declared to us that these slave provisions are *just and reasonable*. Justice, sir, to sell a man's wife? Justice to sell a child's mother? Justice to drive a man, guilty of no crime, away from the land of his birth, from the scenes of his childhood, from the graves of his kindred? Justice to deny to a man the fruits of his own toil? Justice to deny to a man the enjoyments of his own home? Justice to deny to a man the presence and prattle of his own children? Justice to deny to a man the convictions of his own soul? Justice! Justice, sir, is the unchanging and eternal rule of right; it is the attribute of the great God of Nature. It dwelt with him before worlds were; it will abide with him when worlds perish! By the judgment of the Pagan and Christian world, it is INJUSTICE to deny to any man his right.

Mr. Speaker, it is not justice to wantonly subject men, women, and children, at the *arbitrary* will of another, to stripes and imprisonment, to hunger and thirst, to cold and nakedness, robbery and murder. To enslave a man is to murder him by slow torture. This will not pass for justice among men, until men forget the distinctions between right and wrong, good and evil, virtue and vice.

By this bill, sir, we are not only to sanction the monstrous atrocity of chattel Slavery, but we are to say, if the majority will accept the bribe, that atrocity shall be perpetual. We are to agree that the children of wrong and oppression in Kansas shall have no deliverance in the future; that they and their children shall, from generation to generation, toil on in the house of their bondage; in the words of this instrument, that *no alteration shall be made therein to affect the ownership of property in slaves*. Sir, the American Congress, by this enactment, is to declare that if the majority will accept the *bribe*, the Congress of the United States will perpetuate the horrid lie that one man may of right sell his brother for thirty pieces of silver, as Judas sold our Lord!

I say to gentlemen, you may pass the bill, but you cannot make the lie perpetual. A lie can-

not live forever; it has no vitality in it. Sooner or later, it must perish. Perpetuate the atrocity that a majority may of right enslave the minority, or drive it into returnless exile! Make this rule of wrong perpetual! There is nothing perpetual but God, His truth, His justice, and the creatures of His hand. I say to gentlemen on the other side, you have it in your power to save our country from this foul dishonor. Why do you hesitate to deny your assent to this great wrong? Is it because you believe with the President "that Slavery exists in Kansas under and by virtue of the Constitution of the United States?" Is it because you believe, with certain political economists of our day, that Slavery is the natural and normal condition of the laboring man? If that be your conviction, act it out; say so in words. It is your right and your duty to declare it. And by an open, manly avowal of it, you will command the respect of those who differ from you for your candor, if you can never hope to command their approval of your principles. Declare openly your true purpose and intent. For God's sake, do not shirk this great issue under false, and, if I may be allowed the expression without meaning to be offensive, fraudulent pretences of State rights and popular sovereignty. Why do you hesitate to say openly what your support of this bill manifestly imports—that it is your purpose to establish and uphold chattel Slavery in Kansas under the forms of law and at all hazards? Why do you hesitate to avow this purpose? Is it not because you feel and know that its distinct avowal

would electrify the nation, and summon it to a stern, united, defiant resistance?

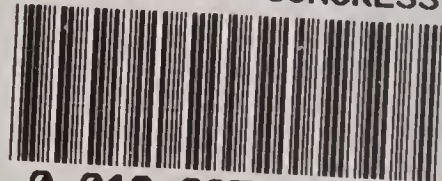
I say to gentlemen on the other side, who compose the majority of this House, you may pass this bill into a law; you may induce the majority to accept its proffered bribe; you may thereby impose upon that young Territory the shame and crime and curse of this brutal atrocity; you may thereby shake down the pillars of this beautiful fabric of free government, and drench this land in fraternal blood; but you can never give permanence to such an act of perfidy, to such a system of wrong. It is too late for that; it is the high noon of the nineteenth century. The whole heavens are filled with the light of a new and better day. Kings hold their power with a tremulous and unsteady hand. The bastiles and dungeons of tyrants, those graves of human liberty, are giving up their dead. There is a pause in the world's great battle. Its banners of conflict, which but yesterday streamed from Paris to St. Petersburg, are furled; and to-day, the mighty heart of the world stands still, awaiting the resurrection of the nations, and that final triumph of the right, foretold in prophecy and invoked in song, when the Angel of Deliverance shall lead captivity captive. In this hour of the world's repose and the world's hope, shall America, the child and the stay of the earth's old age, prove false to her most sacred traditions, false to her holiest trust, and, by this proposed enactment, consent to strike down Liberty in her own temple, and forge chains for her own children?

WASHINGTON, D. C.

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